In Re Application of:

    Hoover, et al.

Serial No.: 10/053,673

Filed: January 24, 2002

    Group Art Unit: 2625

    Examiner: Lee, Cheukfan

    Docket No. 10012696-1

For: **System and Method for Mobile Printing From A Desktop Operating System Using a Portable Computing Device**

REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner's Answer mailed December 19, 2006 has been carefully considered. In response thereto, please consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 08-2025.

The Examiner has provided in the Examiner's Answer various responses to points made in Applicant's Appeal Brief. Applicant addresses those responses in the following.

A.   Rejections Under Mazzagatte

1.   A Reference to a Print Queue

In regard to Applicant's points as to the shortcomings of the Mazzagatte reference, the Examiner identifies the following from the Mazzagatte reference:

> Once the intended recipient is authenticated, the printer then determines whether there are any print jobs queued for the intended recipient (step S605). In this process, the printer again utilizes the unique identification information of the intended recipient. The printer utilizes the information presented by the smart-card and compares it to the identification information stored in the print queue. If the printer determines that print jobs are queued for the intended recipient, the printout process continues. If however, the printer determines that no print jobs are queued for the intended recipient, then the recipient is notified that no print jobs are queued (step S606). Means similar to the above described means may be used for such notification.

Mazzagatte, column 10, lines 12-24. Regarding that disclosure, the Examiner argues:

> . . . from the above section or portion of Mazzagatte, it is inherent that in the authenticating process on the user's unique identification information, the unique identification information is recorded in the smart card

(portable computer device) before being presented for comparison with the identification information stored in the print queue.

Examiner's Answer, page 13. Applicant does not dispute that fact. Instead, Applicant asserts that the "unique identification information," which identifies *a user*, is not "a reference to" *a print queue*, as required by Applicant's claims. On that point, the Examiner states:

> . . . as stated in the advisory action, Mazzagatte teaches that the unique identification information is used for referencing the print queue.

Examiner's Answer, page 13. In reply, Applicant first notes that, unlike the preceding argument made by the Examiner, the Examiner does not identify explicit support for his contention in the Mazzagatte reference. Instead, the Examiner just references his own Advisory Action.

Second, Applicant notes that Applicant does not claim "referencing" a print queue as indicated by the Examiner. Instead, Applicant expressly claims recording "*a reference to*" a print queue. Although the difference may appear trivial at first blush, Applicant notes that the difference is important. Specifically, the term "referencing" is a verb while the term "reference", as used in the context of Applicant's claim, is a noun. Although it may be accurate to describe accessing desired information contained in a database, such as a print queue, using an identifier as "referencing" the database for the desired information, Applicant is not describing such an action. Quite to the contrary, Applicant is describing a reference, such as an address or other location identifier that points to that information, to the database (i.e., queue) itself. Therefore,

although Mazzagatte's authentication information may be accessed by referencing Mazzagatte's print queue using the unique identification information, one cannot say that the unique identification information constitutes *a reference to* the print queue.

The significance of the distinction can perhaps be best understood by considering the underlying purpose behind Mazzagatte's referencing a print queue and Applicant's reference to a print queue. Mazzagatte's referencing is used *to authenticate* a user, while Applicant's print queue reference is used *to locate* the print queue. Applicant respectfully submits that Mazzagatte's authentication method, although performed by accessing information in the print queue, cannot be used to locate the print queue in the first place.

On page 14 of the Examiner's Answer, the Examiner argues that Mazzagatte's unique identification information actually "refers to the print queue." This is simply not true. Again, Mazzagatte's unique identification information identifies authentication information *contained* in a print queue, and therefore does not identify the print queue itself.

At the top of page 15 of the Examiner's Answer, the Examiner states:

> The printer utilizes the information presented in the smart card and compares it to the identification stored in the print queue . . . If the printer determines that print jobs are queue [sic] for the intended receipient, the printer process containtinues." The above section teaches that the printer knows where the print queue is.

Examiner's Answer, page 15. Applicant generally agrees. However, Applicant's has not argued that Mazzagatte's printer does not know where the print queue is. Instead

Applicant's contention is that Mazzagatte does not disclose *how* the printer knows where the print queue is and certainly does not state that Mazzagatte's unique identification information reveals the location of the print queue to the printer. As stated in the Appeal Brief, the reader is left to guess how the Mazzagatte's printer knows the location of the print queue. For all the reader knows, the user manually identifies the location of the print queue to the printer or the printer may be assigned to the print queue and therefore automatically consults it when unique identification information is provided. Regardless, without an actual teaching on that matter, Mazzagatte cannot be said to anticipate Applicant's claims.

2. Dependent Claims 2, 3, 8, 24-26, 55, 56, 61, 71, and 72

Applicant notes that the Examiner did not address any of Applicant's points as to the shortcomings of the Mazzagatte relative to the limitations of dependent claims 2, 3, 8, 24-26, 55, 56, 61, 71, or 72. Applicant respectfully submits that the Examiner's omission to comment on those points in the Examiner's Answer equates to an admission that Applicant's points are correct and that Mazzagatte does not anticipate those limitations.

B. Rejections Under Matsubayashi

In the Examiner's Answer, the Examiner makes no further arguments in regard to the Matsubayashi reference and instead admits that the teachings of the Matsubayashi reference are similar to those of the Mazzagatte reference. In view of that, Applicant presents no further comments regarding the Matsubayashi reference
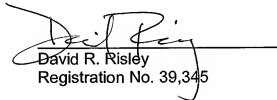
except that Applicant's claims are allowable over the Matsubayashi reference for at least the same reasons that Applicant's claims are allowable over the Mazzagatte reference.

Applicant notes that the Examiner did not address any of Applicant's points as to the shortcomings of the Matsubayashi reference relative to the limitations of dependent claims 2, 3, 8, 20, 21, 23-26, 55, 56, 61, 71, or 72. Applicant respectfully submits that the Examiner's omission to comment on those points in the Examiner's Answer equates to an admission that Applicant's points are correct and that Matsubayashi does not anticipate those limitations.

CONCLUSION

In summary, it is Applicant's position that Applicant's claims are patentable over the applied prior art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

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